

1904-043
Lee Co.

Chancery Causes: John D. Morgan vs. Harriett A. Hobbs &c

Bales

CA-Debt
T-Property

-Deed

To the Hon. H. A. W. Skeen,

Judge of the Circuit Court for Lee County:-

Humbly complaining, your orator, Dr. John D. Morgan, would respectfully represent and show unto your honor;

That on the 22nd day of Sept, 1898, Harriett A. Hobbs, then ^{as surety} a citizen of Lee County Va., together with H. C. Bales, executed to you orator a note for the sum of \$37.70, due one day after date, and on the 13th day of Nov. 1900, the said Harriett A. Hobbs ~~executed~~ executed another note to your orator for the sum of \$23.50; and your orator avers that the same are still due and owing to your orator together with the accumulated interest thereon.

Your orator will further represent and show unto your honor that the said Harriett A. Hobbs has moved from this State to the State of Tennessee, and is now living in that State.

Your orator will further represent and show unto your honor that the said Harriett A. Hobbs is the owner of certain real estate situated in Lee County, and being the same land that was conveyed to her by her husband in his life time, and by W. D. Campbell and wife for a more particular description of said lands see the deed of said W. C. Hobbs, husband of the said defendant, recorded in deed book No. 34 page 304 and the said deed from said Campbell recorded in deed book No. 35 page 88; copies of which said deeds are here filed as part of this bill marked ".A." and ".B." Now it will be seen from and inspection of the said deed from said W. C. Hobbs, which is dated the 9th day of May, 1898 that the conveyance is made to her in consideration that she should pay the debts of the said W. C. Hobbs. Your orator avers that she has done this and that she now owns the absolute fee simple interest in said land. It will also be seen that the conveyance is made to her for life and then she to dispose of the same as she may desire, this your orator is informed gives an absolute fee simple interest in the land.

Your orator will also represent and show unto your honor that

at the time of the institution of this suit he sued out an attachment against the said real estate as the property of the said Harriett A. Hobbs, and filed his lis pendens against the same in the office of the County Court for Lee County.

The premises considered your orator is advised that he has a right to maintain this suit in chancery and to have an attachment against the said land of the said defendant Hobbs; that he has a right to have enough of the land of said defendant sold to satisfy the said debt as aforesaid together with the interest thereon and the costs of this suit, and in the event that the same should fail upon a sale to pay the debt of the said plaintiff then that he has a right to have judgment and execution against the said H. C. Bales surety for the said Hobbs on the said first named note for the amount remaining unpaid on that note.

The prayer therefore of your orator is that the said Harriett A. Hobbs and H. C. Bales be made parties defendant to this bill of complaint and that ~~he~~ they be required to answer the same but not under oath, the same being waived, that upon a hearing a judgment be rendered against the said defendants, and a decree awarded directing a sale of enough of the said real estate as shall be necessary to pay the said debt of the said plaintiff and the costs of this suit and costs of sale. And may all other further and general relief be granted your orator that the nature of his cause and good conscience demands and he will ever pray &c.

Robert L. Cunningham P. Q.

conscience demands and he will ever pray &c.

P.O.

Relief be granted your orator that the net re of his cause and good of this suit and costs of sale. And may all other further and more necessary to pay the said debt of the said plaintiff and the costs directing a sale of enough of the said real estate as shall be be rendered against the said defendants, and a decree awarded under oath, the same being waived, that upon a hearing a judgment complaint and that ~~he~~ they be required to answer the same but not A. Hobbs and H.C. Bates be made parties defendant to this bill of The prayer therefore of your orator is that the said Harriett remaining unpaid on that note.

John D. Mayron
vs Bill in
Chancery
Harriett A. Hobbs et al

against the said land of the said defendant Hobbs; that he has a right to maintain this suit in chancery and to have an attachment of the County Court for Lee County.

A. Hobbs, and filed his lib demands against the same in the office against the said real estate as the property of the said Harriett at the time of the institution of this suit he sued out an attachment

)

)

)

;

This cause came on this day to be heard upon the

read therein and upon motion of the counsel for

stating that the matters involved in this suit

settled on this day between the plaintiff and

This cause upon said motion is hereby stricken.

•

John D. Morgan

vs 3 Decem
3 fine

Samuel A. Hobbs
1846

Eng. C.B. No. 7.

Page 447

Ent. this

Decem Mch 3

1904-

J. A. W. Skene

Doctor John D.Morgan, Complainant)	
)	
vs.)	Decree.
)	
Harriet A.Hobbs, Defendant.)	

Thic cause came on this day to be heard upon the papers formerly read therein and the report of special commissioner Robert L.Pennington filed herein on the 22nd day of February, 1904, and was argued by counsel: On Consideration of all which and it appearing to the court that the said commissioner has sold the land in this cause directed to be sold, and that John D.Morgan has become the purchaser thereof at the price of \$62 and that said sale has been reported to the court for more than ten days, it is , therefore, adjudged, ordered and decreed that the said report of the said commissioner and the said sale to the said Doctor John D.Morgan be and the same are hereby approved and confirmed; and it further appearing to the court that the said Doctor John D.Morgan is the person, to whom the purchase money offered for said land is to be paid, and the person responsible for the cost in this cause incurred, it is further adjudged, ordered and decreed that R.L.Pennington, who is hereby appointed a special commissioner for the purpose, will make, execute and deliver to said Doctor John D.Morgan a good and sufficient deed with covenants of special warranty, conveying said tract of land to him in fee-simple, and report his action hereunder to this court; and it now appearing to the court that the said Robert L.Pennington, commissioner, who was hereinbefore directed to make Doctor John D.Morgan a deed for the land purchased by him in this cause, has made the said deed and reported the same to the court, and the said deed and the said report thereof being unexcepted to, the same are hereby approved and confirmed, and the said Doctor John D.Morgan will pay to the said commissioner, the sum of \$5.00 for his services in

making said deed and said report.

And this cause is stricken from the docket.

Dr. J. A. Murgess

✓ 3 science
3 funds

H. A. Hobbs & Co

John D. Morgan Complainant-
vs. Dr Blomery
Harriett A. Hobbs and
Harvey L. Bales. Defendants.

This case came on this day to be heard upon the bill of the complainant & exhibits filed therewith & the attachment issued against the real estate of the defendant Harriett A. Hobbs, & was argued by counsel, the consideration of all which and its affixing to the court that process has been duly served for more than 15 days prior to the 1st day of this term of the court upon the resident defendant, H. L. Bales, & that order of publication has been duly made posted & published as the law requires for non resident defendants against the said Harriett A. Hobbs, & they each failing to appear plead or answer, the said bill of the said Complainant is taken for confessed; And it is adjudged, ordered, and decreed that the plaintiff recover of the defendants Harriett A. Hobbs & H. L. Bales the sum of \$37.70, with interest thereon from the ²²~~13~~ day of ^{Sept}~~Nov~~, 1848, subject to a Credit of \$ as of Oct. 20, 1902; and that the plaintiff recover of the said Harriett A. Hobbs the sum of \$23.50 with interest thereon from the 13th day of Nov. 1900, & the

Costs of this suit - & the attachment issued
in this cause. And it appearing to the
Court that Hannah A. Hobbs is not a
resident of this State, but that she has
real estate in this County, & that an
attachment has been issued in this cause
& levied upon the said real estate, it
is further adjudged, ordered & decreed
that unless the said acct. herein gives
judgment for be paid within 30 days
then R. A. Pennington who is hereby
appointed a Special Commissioner for the purpose
after having advertised the time, terms &
place of sale by posting written or
printed notices at at least 3 public
places in the Co. ~~of the~~ for at least 30 days
shall proceed to make sale of enough of the
land attached on in this cause to pay the
acct. of the debt due on & the costs of this
suit & the commissions of sale, which
sale shall be made at the front door of
the Court house on some court day
at public auction to the highest bidder
on a credit of 6 & 12 mos. time, except
a sum sufficient to pay the costs of this
suit & the commissions of sale which
will be required to be paid in hand, and
for the deferred payments he will take
bonds payable to himself bearing interest

from the date of sale. But before executing
this decree the said R. H. Cunningham will
execute bond before the clerk of this Court
conditioned as the law requires in such
cases in the penalty of \$100⁰⁰. And
he will report his action to the next
term & this cause is continued

J. D. Morgan

re ~~3~~ Dec 1

Harriet A. Hobbes & Co

Entered C. B. 7 P. 178.

Enter this Nov 11

1902 Tuesday

H. A. W. H. H. H.

John D.Morgan,Complainant,)
vs.)
Harriet A.Hobbs, Defendant.)

Report of Commissioner.

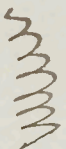
To the Honorable H.A.W.Skeen, Judge of the Circuit
Court for Lee County.

Your undersigned special commissioner, who was appointed
in this cause to make, execute and deliver to Doctor John D.
Morgan a deed of conveyance conveying to the said Morgan the
land purchased by him in this cause, begs leave to report
that he has made said deed and herewith files the same as a
part of this report,

Respectfully submitted,


Special Commissioner.

John D Morgan

&  Report

H. A. Hobbs & Co

Doctor John D. Morgan, Complainant,)
 vs.) Report of Commissioner
 Harriet A. Hobbs, Defendant.)

To the Honorable H.A.W. Skeen, Judge of the Circuit Court for Lee County.

Your undersigned special commissioner, R.L. Pennington, appointed in the above styled cause on the 11th day of December 1902, to make a sale of the lands in the bill and proceedings set out, begs leave to report that on the 22nd day of February, 1904, at the front door of the Court House for Lee County, after having advertised the time, terms and place of sale according to the terms of the said decree, proceeded to offer the said land for sale at public outcry to the highest bidder, and after offering the same for sometime at public auction, the same was knocked off to Doctor John D. Morgan at the price of \$62, he being the highest bidder therefor.

Your Commissioner further reports that the sale on the debt	
sued upon in this cause amounts to the sum of	\$27.55
as per attached itemized statement	
The cost of the said suit is	31.45
The commissions of sale are	3.00
Making a total of	\$ 62.00

The said Doctor John D. Morgan is the owner of the debt and the person responsible for the cost herein and, if said sale is confirmed, the said John D. Morgan will be entitled to a conveyance of the tract of land herein sold.

Respectfully submitted,

R. L. Pennington
 Special Commissioner.

Mar. 3, 1904 -

John D. Morgan & Harriet A. Hobbs entered their motions in this suit - & desire to have the sale above reported cancelled -
R. L. Pennington

Dr John D Morgan

v. ³ Report of
Sole -

Samuel A. Hobbs et al

Filed July 22 -

1904

H. L. P. Ewing,
Clerk.

This deed made this the 9th, day of May 1898, by and between W.C. Hobbs, of the first part, and Harriett Hobbs his wife of the second part, all of the County of Lee and State of Virginia, Witnesseth, that for the love and respect he has for her his wife and also ~~she~~ is to pay all the Just debts that the party of first Part and has this day deeded and conveyed unto the party of the second part all my property both personally and real estate to have and to hold as hers her lifetime and at her death to dispose of as she Desires witness my hand and seal,

W.C. Hobbs (Seal)

Lee County to-wit;

I, G.W. Dillman, a Justice of the County aforesaid and State of Virginia, Do certify that W.C. Hobbs whose name is signed to the writing above Bearing Date on the 9th, day of May 1898, has this acknowledged the same before me in my County aforesaid. Given under my hand this the 9th, day of May 1898.

G.W. Dillman J.P.

Virginia, Lee County to-wit;

In the Office of the Clerk of the County Court for said County the 18th day of July 1898. This deed was presented, and together with the certificate thereto annexed admitted to record.

Teste; S.V.F. Richmond Clerk.

A Copy, Teste; B. M. Merquor Clerk.
(D.B. 34, Page 304)

W. D. Hobbs
for Deed
Harriett Hobbs—

copy-

"a"

clerk 30 cts.

This deed made this 16th, day of Aprile 1898, by and between W.D. Campbell and Margaret Campbell his wife of the first part and ~~Hairett~~ Hobbs of the second part all of the County of Lee and State of Virginia, witnesseth that for and in consideration of the sum of one hundred and fifteen dollars in hand paid and secured to be paid as disignated by note has this -Bargained and sold unto the parties of the second part a certain parcel or tract of land lying and being in the County of Lee and State of Virginia, and bounded as follows to-wit, Begining on a double Chynut corner of W.C. Hobbs and Moses Ewing runing East 37 poles to a care thence North east with a line of W.C. Hobbs 89 poles to a popular corner of John Ramsey and W.C. Hobbs thence South with Ramseys line 72 poles to a rock thence West 79 poles to a Stake near the mill thence West 42 poles to a small black oak in a line of Moses Ewing thenc 19 poles with Moses Ewing line to the beginning, suposed to be sixteen acres more or less. To have and hold as heirs forever, with all the appertances thereto belonging against the claims of all others whomsoever.

his
W.D. X Campbell (Seal)
mark
her
Margaret X Campbell (Seal)
mark

Lee County to---

I, G.W. Dillman, a Justice of the County aforesaid and State of Virginia, Do certify that W.D. Campbell and Margaret his wife whose names are signed to the writing Bearing Date on the 16th, day of Aprile 1898 have this day acknowledged the same before me in my County aforesaid. Given under my hand this the 16th, day of Aprile 1898.

G.W. Dillman J.P.

Virginia, Lee County to-wit;

In the Office of the Clerk of the County Court for said County the 18th day of July 1898. This deed was presented, and together with the certificate thereto annexed admitted to record.

Teste; S.V.F. Richmond Clerk
By M.D. Richmond D.C.
A Copy, Teste; B. M. Morgan ----- Clerk
(D.B. No 35, Page, 88)

W. D. Campbell ^{orig}
Bz Deed
Harriet Hobbs

Copy.

"B"

clerk 50 cts.

Dr. John D. Moragan,

Plaintiff,

vs. Foreign Bill of Attachment.

Harriett A. Hobbs, et al,

Defendant.

The object of this suit is to attach the real estate of the defendant, Harriett A. Hobbs and subject the same to the payment of a certain debt due to the plaintiff by her, as set out in the plaintiff's bill, and the same is brought and is now pending in the Circuit Court for Lee County, and the land attached and sought to be sold is the same land whereon the said Harriett A. Hobbs recently lived, and the same land that was conveyed to the said Harriett A. Hobbs by W. C. Hobbs, see deed book no. 34 page 304 and by Margerett Campbell, see deed book No 35 page 88, of the records of the county court for Lee County. The person whose estate is intended to be affected by this suit and attachment is the estate of Harriett A. Hobbs. This Sept. 29, 1902.

R. L. Pennington
Atty. for Dr. J. M. Morgan.

Virginia, Lee County to wit:-

I, B. M. Morgan, Clerk of the County Court for Lee County do hereby certify that R. L. Pennington whose names is signed to the foregoing writing dated the 29th day of Sept, 1902, this day acknowledged the same before me in my county and state aforesaid. Given under my hand this the 29th day of Sept, 1902'

B. M. Morgan Clerk.

Virginia, Lee County to-wit;

In the Office of the Clerk of the County Court for said County the 29th, day of September 1902. The foregoing writing was presented, and together with the certificate of acknowledgment thereto annexed admitted to record at 3,0'clock, P.M.

Teste; B. M. Morgan Clerk.

John D. Morgan
vs $\frac{3}{4}$ Les Cudrers
H.M. Hobbs et al

Recorded in Deed Book No. 39,
Page, 285.

Indexed.

Examined September 30th, 1902.

Clerk, \$1.25.

Given under my hand this the 28th day of Sept., 1902,
acknowledged the same before me in my county and state aforesaid,
foregoing willing dated the 28th day of Sept., 1902, this day
herely certify that R.L. Pennington whose name is signed to the
I.R.M. Morgan, Clerk of the County Court for Lee County do
Virginia, Lee County to wit:-

Atty. for M.L.M. Morgan.

Clerk.

The object of this suit is to attach the real estate of the
Harrist A. Hobbs, et al,
as Foreign Bill of Attachment.
Plaintiff,
Defendant.

In the Clerk's Office of the Circuit Court of the County of
Lu. Sept 29 18902.

Dr. John D. Morgan

vs

Harriett A. Hobbs Ad. C. Bates

Foreign bill
of attachment

This day Robert D. Pennington ^{attest for J.D. Morgan} made oath before me, A.B. Mursey

Clerk of the said Court, that the claim of the plaintiff asserted in this suit amounts to \$61.20
with interest on \$23.50 from Nov. 13, 1900 & on \$37.70 from Sept 22, 1898
and is just; that there is present cause of action therefor; that the defendant Harriett A. Hobbs
is not

resident of this State; and that he (the affiant) believes the said defendant Harriett A. Hobbs

has no estate or debts due her within the said County of Lu

Given under my hand as clerk of the said court, the day and year first above written.

A.B. Mursey Clerk

John S. Morgan

vs.

Affidavit for Attachment

vs.

Estate of ~~Non Resident~~
~~Absconding~~ Debtor.

Harriet A. Hobbs et al

Filed Sept 29th 1902
A. B. Munsey Clerk

In the Clerk's Office of the Circuit Court of the County of
Lee on the 29th day of September 1892.

against John D. Morgan

Plaintiff

In Chancery

Harriett A Hobbs et al Defendant§

The object of this suit is to attach the real estate of Harriett A. Hobbs and subject the same to debt due the plaintiff, the principal of which debt amounts to the sum of \$61.20

And an affidavit having been made and filed that the defendant Harriett A. Hobbs

is ^a not a resident of the State of Virginia, it is ordered that She do appear here within fifteen days after due publication hereof, and do what may be necessary to protect her interest in this suit. And it is further ordered that a copy hereof, be published once a week for four weeks in the South-West Virginian, and that a copy be posted at the front door of the court-house of this County on the first day of the next term of the Circuit Court.

A copy—Teste:

Permonington Bros p. q.

A. B. Munsey Clerk.

John D. Morgan

vs. }

ORDER OF
PUBLICATION.

Harriett A. Hobbs et al

Virginia Lee County to- wit;

I A.B.Munsey Clerk of the Circuit Court for Lee County do hereby
certify that I posted a copy of the within at the front door of the
Court-house of Lee County on the first day the October term of the
County court of said County.

Given under my hand this the 20th day of October 1902.

A B Munsey Clerk.

In the Clerk's Office of the Circuit Court of the County of

Dr Jno D Morgan
against

Plaintiff

In Chancery

Harriett A. Hobbs

Defendant

This day R. L. Permington personally appeared
before me A. B. Munsey Clerk of the said Court,
and being duly sworn, made oath that Harriett A. Hobbs

defendant in the said suit is not a resident of the State of Virginia,

Given under my hand as Clerk of the said Court, this 29th day of Sept 1902

A. B. Munsey Clerk

Jno D Morgan

vs.

}

AFFIDAVIT FOR ORDER
OF
PUBLICATION.

Harriett A. Hobbs

Pennington Bros. & Co.

Filed Sept 29th 1902

A. B. Munsey Clerk

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon Harriett A. Hobbs and
H. L. Bales

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be
held for the said court, on the 3^d Monday in October, 1902, to answer a
bill in chancery exhibited against them in our said court by
Jno. D. Morgan

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court,
at the court-house, the 29th day of September, 1902, and in the 127th
year of the Commonwealth.

A. B. Munsey, Clerk.

The necessary affidavit having been made and filed the officers to whom this process is directed is ordered to attach the real estate of Harriett A. Hobbs situated in Lee County Virginia and described as the property on which the said Harriett A. Hobbs recently lived and the same property conveyed to her by her deceased husband ~~Mr.~~ W. C. Hobbs, see deed recorded in D.B. 34: P. 38 and by Margaret Campbell, see D.B. 35: P. 88. Witness A. B. Munsy, Clerk of our said Court at the courthouse thereof the 29th day of Sept. 1902 and in the 127th year of Commonwealth.

A. B. Munsy, Clerk

John D. Morgan
vs.
Harriett A. Hobbs
SUBPOENA
IN CHANCERY.
Pending the Decr. 9.
To and Before Rules.
Circuit Court.

copy

is executed by hanging on the fence of Harriett Hobbs situated in the County Va. Being the house on which the recently lived Mrs. Josephine Lee, and more fully described by deed to her recorded in deed book no. 34-35: P. 304, & 305 to which reference is made for a more full description and by obtaining to deed book 35: P. 88 a copy of the within suit, having the same in possession of said lady, and by obtaining another copy to H. C. Baker, this 29th day of Sept. 1902. W. C. Smith & J. H. F. W. J. Milkhouse & J. H.

Plaintiffs Costs

pd { Clerk 7.89
 Tax 1.50
 Shff 2.00
 pd atty 5.00
 Co Clerk 2.25
 Estimated 5.00
 Printer 5.00
 Estimated - \$28.44
 3.00
 \$31.44

John D. Morgan

vs $\frac{3}{3}$ Bill in Chancery

Harriet A. Hobbs et al

P. Bm P Q.

Talents

\$37.22

2

1000

1000

1000

1000

1000